



The Corporation of the County of Essex

By-Law Number 2025-18

A By-law to Approve and Adopt a Non-Smoking and Non-Vaping Policy.

Whereas Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "**Municipal Act**") provides that the powers of a municipality shall be interpreted broadly so as to confer board authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas Clause 6 of Section 11(2) of the *Municipal Act, 2001*, provides that an upper-tier municipality may pass by-laws in the interest of the health, safety and well-being of persons;

And whereas Council for the Corporation of the County of Essex previously approved and adopted a Non-Smoking Policy, being Policy Number 03-002 (the "**Non-Smoking Policy**");

And whereas the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, as amended (the "**Smoke-Free Act**"), now provides for a more expansive definition of "smoking" than what is provided for in the County's current Non-Smoking Policy, and also provides for rules related to, among other things, the use of vaporizers and electronic cigarettes, as well as the smoking and/or vaping of cannabis products, which is not referenced in the County's current Non-Smoking Policy;

And whereas the Council of the Corporation of the County of Essex desires to update its Non-Smoking Policy to more closely align with the provisions of the *Smoke-Free Act*;

Now Therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) **That** the Non-Smoking and Non-Vaping Policy bearing Policy Number 2025-22, a copy of which is appended to this By-law 2025-18, be and

By-Law Number 2025-18

Page 2

is hereby approved and adopted, with the said Non-Smoking and Non-Vaping Policy replacing the Non-Smoking Policy bearing Policy Number 03-002.

- 2) **That** By-law 2025-18 be given three readings, and shall come into force and take effect after the final passing.
- 3) **That** this By-law 2025-18 shall take precedence over any other By-law deemed to be inconsistent with this By-law 2025-18.

Read a first, second and third time and Finally Passed this Sixteenth day of April, 2025.

Hilda MacDonald, Warden

Katherine J. Hebert, Clerk

Clerk's Certificate

I, Katherine J. Hebert, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2025-18** passed by the Council of the said Corporation on this **Sixteenth day of April, 2025.**

Katherine J. Hebert, Clerk
Corporation of the County of Essex